

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CHIQUITA FRESH NORTH AMERICA LLC :

and :

WILLIAM MANIS COMPANY :

Plaintiffs :

v. :

JUNIPER TREE, INC., a/t/a BEST PRODUCE :

and :

YOUNG J. SUH :

Defendants :

Civil No. 08cv2403 (BSJ)(GWG)

**MOTION FOR TEMPORARY
RESTRAINING ORDER
WITHOUT NOTICE AND
ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD
NOT ISSUE**

Upon the verified affidavits of the respective representatives of the plaintiffs, the Attorney Certification Why Notice Should Not Be Given Pursuant to Rule 65(b), and the accompanying memorandum in support, plaintiffs move the Court to issue a temporary restraining order without notice and an order to show cause why a Preliminary Injunction should not be issued under Rule 65(b) of the Federal Rules of Civil Procedure enforcing the statutory trust established by Section 5(c) of the Perishable Agriculture Commodities Act, 7 U.S.C. §499e(c), by restraining the transfer of any and all assets of Juniper Tree, Inc., a/t/a Best Produce, except for any payment to plaintiffs in the aggregate amount of \$75,967.97, pending either payment to plaintiffs by cashiers or certified check in the aggregate amount of \$75,967.97 or a further hearing to be set within ten (10) days of the issuance of the temporary restraining order.

Dated this 8th day of March, 2008.

Respectfully submitted

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